

VZCZCXYZ0001
OO RUEHWEB

DE RUEHJM #0974/01 0671637
ZNY CCCCC ZZH
O 081637Z MAR 06
FM AMCONSUL JERUSALEM
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0775
INFO RUEHKK/ARAB ISRAELI COLLECTIVE PRIORITY
RHEHNSC/WHITE HOUSE NSC PRIORITY

C O N F I D E N T I A L JERUSALEM 000974

SIPDIS

SIPDIS

NEA FOR FRONT OFFICE; NSC FOR ABRAMS/DORAN/MUSTAFA

E.O. 12958: DECL: 03/08/2016

TAGS: [KPAL](#) [PGOV](#) [IS](#)

SUBJECT: PLC SUSPENDS PROCEEDINGS AMIDST FATAH/HAMAS RANCOR

Classified By: Consul General Jake Walles, per reasons 1.4 (b) and (d).

11. (C) SUMMARY: Palestinian Legislative Council (PLC) Speaker Aziz Dweik suspended PLC sessions for two weeks following a rancorous March 6 session that featured a Fatah walkout and the passage of a HAMAS-sponsored resolution that revoked a series of expanded presidential powers and bureaucratic appointments passed by the outgoing PLC. Fatah PLC members have referred the resolution to the PA High Court for review and said they will boycott further PLC sessions pending a ruling. Fatah PLC member Bernard Sabella criticized HAMAS' attempt to dominate the PLC and said the walkout makes Fatah's participation in a National Unity Government (NUG) less likely. END SUMMARY.

HAMAS Measure Sparks
Fatah PLC Protest

12. (SBU) Shortly after the convening of the first working session of the PLC on March 6, HAMAS PLC Speaker Aziz Dweik introduced a measure effectively nullifying all measures adopted by the PLC between the January 25 election and the swearing-in of the new PLC on February 18. (NOTE: During a February 13 session, the outgoing PLC granted Abu Mazen the power to appoint judges to the constitutional court without legislative review; changed PLC bylaws to allow Ibrahim Khriesheh to be appointed Secretary General of the PLC, even though he is not an elected member of the body; and appointed several Fatah loyalists to influential posts dealing with PA finances and personnel. END NOTE) In response to the introduction of the resolution, Fatah opposition bloc leader Azzam al-Ahmad made a statement from the PLC floor charging that the new HAMAS PLC members lacked the "legal background and experience" to lead the government, provoking an uproar among the HAMAS PLC members.

13. (SBU) After succeeding in setting the resolution for a vote in the afternoon agenda, Dweik called for a short prayer break. The entire 45-member Fatah bloc did not return to the session following the break to protest the introduction of the resolution. The remaining HAMAS PLC members then passed the measure by a vote of 64 in favor, with 7 abstentions. Mustafa Barghouti (Independent Palestine), PFLP, DFLP, and Salam Fayyad and Hanan Ashrawi (Third Way) abstained, but did not join the Fatah walkout.

PLC Sessions Suspended

14. (C) In response, Fatah PLC members announced on March 6 that they would refer the HAMAS resolution to the High Court

and boycott further PLC sessions pending the Court's decision. (NOTE: PA constitutional law expert Ahmad al-Khalid told us the law is unclear on whether a new PLC can nullify previous PLC decisions. Fatah PLC member Sa'eb Erekat told the Consul General on March 7 that he thought Fatah had a strong legal case. END NOTE.) During an abbreviated March 7 PLC session, Dweik announced a two-week suspension of PLC work because of the Fatah protest, stating that it would not be possible to carry on with the preliminary work of electing representatives to the various PLC councils without the participation of the Fatah members. In a March 8 statement to the media, Dweik insisted on the legality of the HAMAS-sponsored PLC resolution, but said HAMAS is ready to accept any decision by the High Court.

Sabella: HAMAS Trying
To Dictate to Fatah

15. (C) During a March 7 telecon with ConGen Poloff, Fatah PLC member Dr. Bernard Sabella (Jerusalem) criticized HAMAS for attempting to dictate terms to the Fatah PLC members. Sabella noted that HAMAS had rejected efforts by Gaza PLC member Ziad Abu Amr (Independent) who sought to reach a compromise on presidential powers. Sabella expected Fatah would rejoin PLC proceedings, whatever the outcome of the PA High Court decision.

16. (C) Sabella, however, was pessimistic about future Fatah/HAMAS cooperation in the PLC if HAMAS tried to impose itself to the detriment of Fatah. Fatah opponents to a NUG were bolstered by the events in the Council. "My concern is that, if what occurred March 6 becomes the model in the Council, I would not support Fatah joining the government." Sabella noted that while HAMAS maintained a comfortable majority -- 74 or 132 seats in the PLC compared to Fatah at 45 -- to pass any measures in the Council, Fatah would refuse to cooperate in a "rubber-stamp" PLC. He noted a repeat of the March 6 events would ultimately reflect poorly in the eyes of Palestinians and the international community. Sa'eb Erekat told the Consul General that the March 6 events effectively insured that Fatah would not join a HAMAS-led government.

WALLES